

MERCURY.140A



#4

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Fraenkel, et al.)
)
App. No.	:	10/057,295)
)
Filed	:	October 19, 2001)
)
For	:	POST-DEPLOYMENT)
		MONITORING AND ANALYSIS OF)
		SERVER PERFORMANCE)
)
Examiner	:	UNKNOWN)
)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone

App. No. : 10/039,271
Filed : October 19, 2001

(949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MERCURY INTERACTIVE CORPORATION

Dated: March 11, 2002

By: _____

Name: Susan J. Skaer

Title: VP, General Counsel and Secretary

Address: 1325 Borregas Avenue
Sunnyvale, CA 94089

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COPY

PATENT

Client Code: MERCURY.140A2

Page 1

Application No.: 10/057,295
Filing Date: October 19, 2001

ASSIGNMENT

WHEREAS, We, **Noam Fraenkel**, a citizen of Israel, residing at 8/2Yitzhak Shalev Street, Jerusalem 96413, Israel, **Guy Goldstein**, a citizen of Israel, residing at 5 Sold Street, Ramat-Hasharon, Israel 47225, **Refael Haddad**, a citizen of Israel, residing at 8 Nahal Hever Street, #2, Modi'in, Israel, and **Ido Sarig**, a citizen of Israel, residing at 501 Forest Avenue, Palo Alto, California 94301, have invented certain new and useful improvements involving POST-DEPLOYMENT MONITORING AND ANALYSIS OF SERVER PERFORMANCE for which we have filed an application for Letters Patent in the United States, filed on October 19, 2001 as Application No. 10/057,295;

AND WHEREAS, Mercury Interactive Corporation (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1325 Borregas Avenue, Sunnyvale, California 94089, desires to acquire the entire right, title, and interest in and to said improvements and said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under said improvements, and said application and all provisional applications relating thereto (including provisional application no. 60/289,923), and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of February, 2002

Noam Fraenkel

DAVID A Z

Witness Name (printed)

28/2/02

Witness Signature and Date

COPY

Application No.: 10/057,295
Filing Date: October 19, 2001

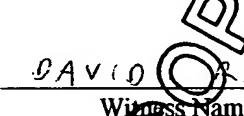
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Client Code: MERCURY.140A2

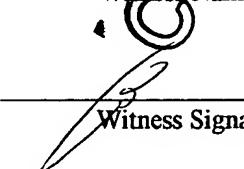
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of Feb, 2002


Guy Goldstein


DAVID R. A. Z.

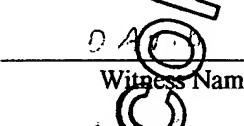
Witness Name (printed)


28/2/02

Witness Signature and Date

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of Feb, 2002


Refael Haddad


DAVID R. A. Z.

Witness Name (printed)


28/2/02

Witness Signature and Date

COPY

Application No.: 10/057,295
Filing Date: October 19, 2001

PATENT
Client Code: MERCURY.140A2
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 25 day of Feb, 2002.

Ido Sarig

GILBERT PENNINGTON
Witness Name (printed)

AKP 2/25/02
Witness Signature and Date

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